

REMARKS

The claims currently pending in the application have been amended to address the objection raised by the examiner to claim 4 as being informal as containing a spelling error and the rejection of claim 13 as allegedly being indefinite for allegedly failing to particularly point out and distinctly claim subject matter which is regarded as inventive.

The misspelling in claim 4 has been corrected and the minor antecedent basis problem in claim 13 has also been addressed. Applicant respectfully submits that this should obviate the objections to the claims and the rejection to the claims made under 35 USC 112.

The examiner rejected claim 13 as allegedly defining unpatentably obvious subject matter under 35 USC 103 when considering Farino, United States patent 4,889,430, in view of Marshall, United States patent 4,910,849 in further view of Krapp, U.S. patent 6,449,823. Applicant traverses this rejection of claim 13 and requests reconsideration.

Initially, applicant disputes the validity of Krapp, U.S. patent 6,449,823, as a reference applicable against the instant application. Krapp's '823 patent issued from an application filed 30 November 2000 whereas applicant's filing date was 2 October 2000, more than a month earlier than Krapp's filing date. Moreover, Krapp makes claim to a provisional application 60/188,763 filed 13 March 2000 whereas applicant's application is a continuation-in-part and has incorporated by reference applicant's prior application serial number 09/427,461 filed 22 October 1999, which in turn claimed the priority of applicant's provisional application serial number 60/106,223 filed 30 October 1998.

Accordingly, reconsideration and withdrawal of Krapp's U.S. patent 6,449,823 as a reference against the instant application is respectfully solicited.

In support of the rejection the examiner asserts that Farino allegedly discloses "a frame 14, a clamp 12 connected to the frame for securing the shaft of a golf club against longitudinal movement, and means 20 connected to the frame for applying force longitudinally to the head of the golf club in a direction to the separate the head from the shaft". The examiner further asserts that Farino discloses "Next, a machine shaft is disclosed 26 with mechanical actuating means 28. Lastly, a mushroom shaped turret is disclosed 22 with notch 24 slidably receiving golf club shaft."

The examiner further asserts that "Farino discussed in detail above, discloses all the limitations of the invention except for hydraulic actuating means." Applicant believes and submits that this is a incorrect reading of Farino.

Farino discloses an assembly for removing a head from a golf club but certainly does not disclose any type of a mushroom shaped turret as erroneously contended by the examiner. Indeed, Farino's element 22, which is a gripping device facilitating radially inward gripping of the hosel portion of the head of a golf club works to **simultaneously turn and pull** the golf club head relative to the shaft, in order to remove the golf club head from the golf club shaft. This is entirely inconsistent with applicant's invention, as defined by currently rejected and now amended claim 13, which provides a mushroom-shaped turret with the larger diameter portion having at least one slot formed therein to abut the head of the golf club and thereby transfer longitudinally directed force received from a piston via a shaft to the golf club head in a direction parallel with the axis of the golf club shaft.

Applicant's invention does not provide any structure for twisting the head or the hosel portion of the golf club head relative to the golf club shaft in order to remove the head from the shaft. Indeed, twisting is to be avoided since twisting may lead to damage to the head, to the hosel of the head or to the golf club shaft, or all of these components of the golf club, as those components are disassembled. The beauty of applicant's device is that applicant's device applies **only longitudinally directed force along a direction parallel with the axis of the shaft** which is in abutting contact with the hosel portion of the golf club head, thereby removing the head without application of any twisting force or torque to either the golf club shaft or the golf club head. With applicant's device, the shaft is not damaged and can be reused; the same is true of the golf club head.

Adding Marshall to Farino does not cure Farino's deficiencies. Indeed, Marshall discloses securing a golf club shaft in position for removal of the club head by drilling a hole in the shaft and then using a pin to align the hole in the shaft with the hole in the removal device. This necessarily damages and weakens the golf club shaft by creating a region of lesser strength in the shaft. Hence, Marshall's approach is highly undesirable and completely inconsistent with the goal of applicant's invention, that being to provide a device for removing a golf club head from a golf club shaft without structural damage to either component.

Krapp, even if applicable as a reference against applicant, does not cure Farino's and Marshall's individual and collective deficiencies. Krapp is apparently not usable with golf club shafts of different sizes and is certainly highly cumbersome to use. Krapp does not provide the hydraulic piston, the machine shaft or the mushroom-shaped turret

as recited in applicant's previously rejected and currently amended independent claim
13.

For all of the foregoing reasons, applicant respectfully submits that the extant rejection of claim 13 is no longer well founded and should be withdrawn.

Applicant has added a number of claims to this application seeking to broaden the scope of protection to which applicant believes applicant is entitled for this invention. Applicant respectfully solicits careful consideration of claims newly added to the application as well as the claim amendments as set forth above. Applicant respectfully submits that when the application in its amended form is considered, the examiner will find the application to be in form for allowance. Notification of the same is respectfully solicited.

To the extent there is any fee required in connection with the receipt, acceptance and/or consideration of this paper and/or any accompanying papers submitted herewith, please charge all such fees to Deposit Account 50-1943.

Respectfully submitted,

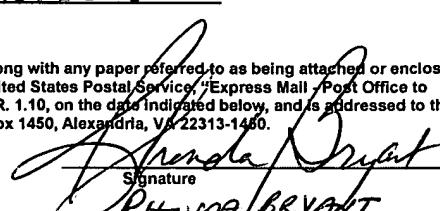


CHARLES N. QUINN
Registration No. 27,223
Attorney for Applicant



Date: 20 October 2003

Fox Rothschild, LLP
2000 Market Street, 10th Floor
Philadelphia, PA 19103
Tel: 215-299-2135
Fax: 215-299-2150
email: cquinn@foxrothschild.com

Certificate of Mailing Under 37 C.F.R. 1.10	
EXPRESS MAIL NO.: <u>EV334306376 US</u>	
I hereby certify that this paper, along with any paper referred to as being attached or enclosed and/or fee is being deposited with the United States Postal Service, "Express Mail - Post Office to Addressee" service under 37 C.F.R. 1.10, on the date indicated below, and is addressed to the Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.	
<u>OCTOBER 20, 2003</u> Date of Deposit	 Signature <u>RHONDA BRYANT</u> Type or print name of person

